

Federal
Victims of Crime Act (VOCA)
Victim Assistance Grant
PROGRAM GUIDELINES

November 2005

MASSACHUSETTS
OFFICE FOR VICTIM
ASSISTANCE



VICTIM & WITNESS
ASSISTANCE BOARD

Commonwealth of Massachusetts
Victim and Witness Assistance Board
Massachusetts Office for Victim Assistance

The Massachusetts Victim and Witness Assistance Board

Attorney General Tom Reilly, Chairman
Timothy Cruz, District Attorney, Plymouth County
Yoko Kato, Victim/Public Member
Elizabeth Scheibel, District Attorney, Northwestern District
Evelyn Tobin, Victim/Public Member

The Massachusetts Office for Victim Assistance

Janet Fine, Executive Director
Marinilda Amador, Finance & Operations Assistant
Diane Coffey, SAFEPLAN Program Manager
Daniel Cooper, VOCA/DDTF Program Manager
Alexandra Detjens, Victim Services Coordinator
Jessica Fix, VOCA Program Manager
Kathryn Henderson, Training & Outreach Coordinator
Kara Johnson, Chief of Staff
Rob Kirsh, Assistant SAFEPLAN Program Manager
Erin Miller, SAFEPLAN Administrative Coordinator
Kristen Palma, Director of Public Affairs & Field Services
Rebecca O'Connor, Policy Analyst & Legislative Liaison
Alicia Siryon-Wells, Grants Management Associate
Allison Tassie, Director of Grants Management & Program Resources
Alice Wu, Director of Finance & Operations

Massachusetts Office for Victim Assistance
One Ashburton Place, Room 1101
Boston, Massachusetts 02108
(617) 727-5200
(617) 727-6552 (FAX)
mova@state.ma.us (e-mail)
<http://www.mass.gov/mova>

**Victim of Crime Act
Victim Assistance Grant Program
Commonwealth of Massachusetts**

State Program Guidelines for FY2007
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INTRODUCTION

The Massachusetts Office for Victim Assistance (MOVA), operating under the guidance of the Victim and Witness Assistance Board (the Board), serves as a statewide resource for victim service providers. One of the primary goals of the Board is to promote high quality, comprehensive and coordinated services to victims of crime. The Board is the designated state authority to administer federal funds for victim services available through the Federal Victims of Crime Act of 1984 (VOCA).

The VOCA Program Guidelines (the Guidelines) contains comprehensive information on the Massachusetts VOCA Victim Assistance Grant Program. It sets forth the official guidelines for current Massachusetts VOCA Subgrantees and provides necessary information for programs interested in applying for VOCA funding.

To apply for VOCA funding in an open-bid year, please refer to the designated state web site www.comm-pass.com. All funding decisions are based on the availability of funds, contract award, history of effective victim service delivery, past performance and compliance, if appropriate, and geographical needs. **It is important that you read the *Guidelines* carefully PRIOR to proceeding with the *Application for VOCA Funding* to familiarize yourself with all program, fiscal and application requirements. In addition, further information about the VOCA grant is available on MOVA's website at <http://www.mass.gov/mova>.**

Authority and Scope

The Guidelines were most recently revised in November 2005, and this edition supersedes all prior editions. The Guidelines set forth the requirements of the VOCA Victim Assistance Grant Program in compliance with laws, rules and regulations of the federal and state government; it does not override any other applicable requirements of the state or federal government. The Board and the subgrantees under the Victim of Crime Act are required to operate under applicable laws, rules and regulations whether or not they are explicitly stated in these Guidelines. Where necessary, the Board may place special conditions upon a VOCA grantee which are not specified in the Guidelines, the Application, or Service Contract. Special conditions may also be imposed through amendments to the Service Contract. **MOVA reserves the right, at any time, to terminate service contracts with programs that are not in compliance with the guidelines set forth in the VOCA Program Guidelines.**

The governing rules for the Massachusetts VOCA Victim Assistance Grant Program are found in: *Victims of Crime Act of 1984* (P.L. 98-473), as amended by the *Children's Justice and Assistance Act of 1986* (P.L. 99-401), the *Anti-Drug Abuse Act of 1988*, Title VII, Subtitle D (P.L. 100-690), the *Federal Courts Administration Act of 1993* (P.L. 102-572), and the *Violent Crime Control and Law Enforcement Act of 1994* (P.L. 103-322), codified in United States Code (USC) 10601, et seq.; *Antiterrorism and Effective Death Penalty Act of 1996* (P.L. 104-132); *Omnibus Appropriations Act of 1997* (P.L. 104-208), U.S. Department of Justice, *Final Program Guidelines for the Victims of Crime Act, Victims Assistance Grant Programs*, Federal Register, October 27, 1995; U.S. D.O.J., Office of Justice Programs, Office of the Comptroller, *Financial Guide*; Massachusetts General Laws and any applicable state regulations; Victim and Witness Assistance Board policies; Victim and Witness Assistance Board, *VOCA Grant Program Guidelines*; Victim and Witness Assistance Board *VOCA Grant Application*; and the terms and conditions of the Service Contract.

I. LEGISLATIVE AND FUNDING HISTORY

A. 1982 President's Task Force on Victims of Crime

In April of 1982, the President's Task Force on Victims of Crime was established to address the urgent needs of individuals and families victimized by crime every year. The Task Force recognized that victims of crime are often overlooked by the criminal justice system and often are not treated with the fairness, dignity and respect they deserve. In December of 1982, the Task Force made recommendations to restore balance and improve public confidence in the criminal justice system.

In response to the identified need for federal leadership in this area, the U.S. Office for Victims of Crime was established in 1983 within the Department of Justice to address a range of victims' issues. Collaboration between the Department of Justice and Congress and lobbying by victims and victim rights groups resulted in passage of the Victims of Crime Act (VOCA) of 1984. The intent of VOCA was to support victim compensation and victim assistance programs in meeting the needs of crime victims.

The VOCA legislation established a Crime Victims Fund in the U.S. Treasury to receive funds from a variety of sources including criminal fines, forfeited bail bonds, penalty fees and forfeited literary profits from federal criminals. Each year, proceeds from the fund are distributed to states through formula grants to provide direct assistance and compensation to crime victims.

In Massachusetts, the Victim and Witness Assistance Board administers the VOCA funds received by the state for victim assistance services. The Attorney General's Victim Compensation and Assistance Division administers the VOCA funds received for victim compensation.

B. 1988 Reauthorization of VOCA

The Victims of Crime Act was re-authorized in 1988. The Reauthorization included:

- Increasing the cap on the Crime Victims Fund from \$100 to \$125 million for the first three years (federal FY'89 - 91) and to \$150 million for the last three years (federal FY'92-94). This was subsequently amended to increase the cap to \$150 million for collections in federal FY'91, one year earlier than previously legislated.
- Establishing a new sunset date of September 30, 1994, for the Victims of Crime Act.
- Requiring that victim compensation programs receiving federal money compensate residents who were victimized in other states that do not have compensation programs, and compensate victims of domestic violence and victims of injury caused by drunk driving.

- Creating a fourth priority category of "previously underserved" victim populations to be defined by individual states. Massachusetts designated survivors of homicide as its fourth priority category. This category is in addition to the three previously identified priority categories of child abuse, sexual assault and domestic violence.
- Reducing matching fund requirements for Subgrantees.
- Formally establishing the Federal Office for Victims of Crime under the Office of Justice Programs, U.S. Department of Justice, whose director is a presidential appointee who must be confirmed by Congress.

C. 1993 Amendments

In 1993, the Victims of Crime Act was further amended and revised guidelines were published in March, 1994. The highlights of the VOCA amendments included:

- Removing the sunset date of the September 30, 1994.
- Removing the ceiling (then at \$150 million) entirely on the Crime Victims Fund.
- Deducting \$6.2 million from the Crime Victims Fund to establish a Fine Center at the Administrative Office of the U.S. Courts. The Fine Center is to improve the federal courts' ability to monitor and collect Crime Victims Fund revenue.

D. 1994 Amendments

In September 1994, the Victims of Crime Act was further amended, as follows:

- Giving the Director of OVC discretion to retain as a reserve any portion of the Fund that is in excess of 110% of the total amount deposited during the preceding fiscal year, not to exceed \$20 million in reserve. The reserve is to promote fiscal stability for victim services organizations and counterbalance annual fluctuations in the Fund.
- Authorizing VOCA victim assistance and compensation programs to use up to 5% of their federal grant award for state level administrative costs.
- Modifying the federal formula for the allocation of funds for grants to victim compensation and victim assistance programs.

E. 1995 Amendments

In October 1995, the Victims of Crime Act was further amended, as follows:

- Reducing the matching fund requirements for "new" victim service organizations.

- Modifying other related allowable costs to include outreach to identify crime victims when a primary purpose is to refer them to needed services.

F. 1996 and 1997 Amendments

In 1996 and 1997, the Victims of Crime Act was further amended and revised guidelines were published in the April 22, 1997 edition of the Federal Register (See Appendix A). The highlights of the VOCA amendments included:

- Increasing the ceiling on the reserve fund (then at \$20 million) to \$50 million.
- Extending the grant period from the year of the award plus one year, to the year of the award plus three years.
- Increasing the base amount for state victim assistance grants from \$200,000 to \$500,000.
- Requiring that funds not obligated by the end of the grant period, up to a maximum of \$500,000, will be returned to the Federal Crime Victims Fund, and not to the General Treasury.

G. 1999 through 2002

In 1999, the Federal Crime Victims Fund collected a record fine that brought the total collections to an unprecedented level of about 1 billion dollars. Congress responded by placing a cap of \$500 million on the fund for federal fiscal year 2000.

- For federal fiscal year 2001, Congress capped the fund at \$537.5 million.
- In federal fiscal year 2002, Congress capped the fund at \$550 million.
- In December 2002 the US Patriot Act included a provision that stipulated \$50 million dollars each year would be set aside from the VOCA fund to provide supplemental anti-terrorism funding to victims of domestic terrorism as well as terrorism abroad. States would be eligible to apply for this funding when necessary in accordance to the federal guidelines.

H. 2003 to present

The only amendment to the substantive VOCA statute (42 U.S.C. 10601 et. seq.) since 2002 was the enactment of section 1407, Public Law 108-405, Title I, the "Justice for All Act" in 2004. This section expanded some of the rights for victims in the federal criminal justice system.

Funds continued to be capped as follows:

- For federal fiscal year 2003, Congress capped the fund at \$621.3 million.
- In federal fiscal year 2004, Congress capped the fund at \$620 million.
- In federal fiscal year 2005, Congress capped the fund at \$625 million

I. Funding to Massachusetts

The amount of federal funding received by states for victim service programs varies from year to year and depends upon the amount of federal assessments collected. The award is based on a formula that takes into consideration state population. Massachusetts has received the following amounts per federal fiscal year from the Federal Crime Victims Fund:

Year of Award	Award Amount	Year of Award	Award Amount
1986	\$972,000	1997	\$8,920,000*
1987	\$718,000	1998	\$6,121,000*
1988	\$807,000	1999	\$5,250,000*
1989	\$980,000	2000	\$8,183,000*
1990	\$1,482,000	2001	\$7,941,000*
1991	\$1,494,000	2002	\$8,412,000*
1992	\$1,427,000	2003	\$7,660,000*
1993	\$1,544,000	2004	\$7,725,000*
1994	\$1,456,000	2005	\$8,037,000*
1995	\$1,774,000	2006	TBD*
1996	\$2,854,000		

*The grant period is the year of the award plus three years.

In Massachusetts, VOCA funding has supported numerous programs providing services to diverse victim populations, including victims of domestic violence and their children, sexual assault victims, homicide survivors, individuals who have experienced trauma due to violent crime, victims of hate crimes, and communities which have experienced a crisis or trauma due to crime. In recent years, VOCA grants have been awarded to an average of 70 agencies with subgrant award amounts typically ranging from \$50,000 to \$120,000.

II. VICTIM POPULATIONS

Throughout the legislative history of VOCA, Congress has provided significant guidance on the need to use VOCA victim assistance funds to offer free services to victims of crime as soon as possible after the crime occurs to reduce the severity of the psychological consequences of the victimization and to promote prosecution of criminal offenses. Through early and appropriate crisis intervention, the need for services at a later date can often be reduced and a victim's trauma may be lessened. Services that assist and encourage crime victims to participate in the criminal justice system are also important, because they may help to restore the victim's faith in the criminal justice system.

The types of direct services intended by Congress in enacting VOCA include those services which respond to the immediate needs of crime victims, assist the victim in participating in the criminal justice process, and help restore the victim's sense of dignity and self esteem. Likewise, VOCA funds are to be used for costs that are necessary and essential to providing these direct services and costs that improve the efficiency and effectiveness of service provision.

Federal guidelines require states to allocate a minimum of ten percent (10%) of their VOCA funds to each of three priority areas designated by the Victims of Crime Act. Each state must select a fourth "previously underserved" area which will also receive a minimum of ten percent (10%) of the state's VOCA funding. The following priority areas will remain for this grant cycle:

- ❖ victims of domestic violence
- ❖ victims of sexual assault
- ❖ victims of child abuse
- ❖ survivors of homicide victims*

*In 1989, the VWA Board designated this population of crime victims as its "previously underserved" area.

This allocation requirement does not prevent Massachusetts from distributing more than ten percent of its VOCA funds to any one priority area, nor does it restrict Massachusetts from funding programs providing direct services to crime victims who do not fall into the "priority" groups. In addition, the ten percent minimum requirement may be reduced or waived if it is determined that a particular category is receiving significant amounts of financial assistance from other sources and that a smaller amount of financial assistance, or no assistance, for that category is needed. The following list sets forth the additional areas of need for Massachusetts and summarizes some of the services eligible for VOCA funding:

Additional Areas of Need:

In 2002, the following areas of need were identified as a result of a statewide needs assessment. In the Fall of 2005, a new needs assessment process took place that continued to support the need for services as outlined below. Please consider these areas of unmet needs in the development of your proposals. The areas are listed in alphabetical order.

1. Advocacy Services for Victims with Multiple Needs

Victim advocate positions within state or community-based agencies to serve victims of crime with multiple needs, including, but not limited to housing, legal services, medical care, translation services, and transportation.

2. Comprehensive Services to Child and Teen Victims

Direct service positions within state or community-based agencies to provide counseling and/or advocacy to children and/or teens who have been victimized. School-based services, treatment and support for victims of teen dating violence, advocacy for housing, substance abuse, pregnancy, and other basic and special needs can be considered as such issues arise as a result of victimization.

3. Services to Victims with Disabilities

Direct service positions within state or community-based agencies to provide counseling and/or advocacy to victims of crime who experience physical, mental, and/or developmental disabilities.

4. Victims with Limited or No Access to Services

Direct service positions within state or community-based agencies to provide counseling and/or advocacy to victims of crime who have significant barriers to accessing services including, but not limited to, elderly, homeless, male victims, victims of trafficking, and immigrants/refugees.

B. Services

The types of services to be delivered are wholly dependent on the victim population and the kinds of services known for promoting recovery among the specified population. Such services may include, but are not limited to: crisis intervention; individual, group or family counseling or therapy; legal advocacy; criminal justice support/advocacy; support groups; and 24-hour crisis telephones.

Regardless of which victim population is to be served, agencies applying for funds should propose services which reflect the diverse social, linguistic, cultural/ethnic and racial composition of the intended population and the geographic regional needs. Services to diverse communities should be culturally appropriate and affirming of the population's background and values.

III. AGENCY AND PROGRAM ELIGIBILITY CRITERIA

The intent of VOCA Funding is:

- to expand or enhance existing services through funding direct victim service staff
- to support specific services within an established victim service program rather than the program itself

The following eligibility criteria have been established by the Board in accordance with federal and state rules and regulations. The following criteria must be met prior to receiving VOCA funding and should be considered during the application process. To be eligible for a VOCA Service Contract, applicants must:

- A. **Be operated by a state agency or a nonprofit organization** that provides services to victims of crime. The agency must demonstrate a record of providing effective direct services to crime victims. The program must have the approval and support of the agency's Board of Directors in applying for VOCA funding. Nonprofit applicants must have filed a report for the most recent period with the Attorney General's Division of Public Charities. Federal agencies and in patient treatment facilities are ineligible to receive VOCA funding.
- B. **Demonstrate a record of providing effective services to crime victims.** This criterion includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources. New programs that have not yet demonstrated a record of providing victim services may be eligible to receive VOCA funding if they can demonstrate that 25-50 percent of their funding comes from a non-federal source.
- C. **Adhere to all instructions and deadlines as provided in the Application for VOCA Funding.** All applicants must have attended a mandatory Bidder's Conference held during open, competitive years for funding.
- D. **Provide support for the VOCA victim service program in the form of *cash and/or in-kind* matching contributions.** Matching contributions may only be applied to VOCA eligible services and may not include other federal funding or income earned from a federally funded program, as this would be considered supplantation. Matching contributions must be allowable VOCA costs (See Section V. C, Matching Requirements).
- E. **Utilize unpaid/volunteer victim service staff.** Programs are required to utilize volunteers within their VOCA program. Job descriptions and volunteer training must be submitted with the application. No waivers will be accepted in the first year of funding, unless there is a statutory or contractual provision concerning liability or confidentiality

of counselor/victim information, which bars using volunteers for certain positions. In such cases, evidence of such a provision must be provided. Waivers may be considered in non-competitive funding years pending that a program is able to provide documentation of their sustained and aggressive efforts to recruit and maintain volunteers without success.

- F. Promote coordinated public and private efforts** amongst all programs which aid victims. To ensure continuity of support for the victim and to avoid duplication of effort, consideration will be given to the extent to which a program demonstrates that it coordinates its activities with other service providers in the community and participates to the extent possible in interagency collaborations or partnerships. In order to promote the effective prosecution of criminal offenders, non-profit programs must obtain a minimum of two letters of support, and no more than four. (If more than one program within an agency is requesting funding, two letters must be provided for each program.) At least one letter of support must be from a criminal justice or law enforcement agency within the agency's stated catchment area, which may include a DA's Office, police department, court personnel, judges, parole, probation, etc. State agencies must obtain letters of support from at least two other programs, one of which must be from a non-profit or non-criminal justice agency, which serve victims within their jurisdiction. The Board shall also consider the extent to which the program demonstrates that it coordinates its activities with other service providers in the community, including, but not limited to, the following: police departments, courts, other criminal justice personnel, social service and community agencies, medical providers, and the federal United States Attorney's Victim Witness Assistance Program.
- G. Assist crime victims in seeking and applying for crime victim compensation benefits.** To meet the minimum eligibility requirements, applicants must adhere to the following: maintain a supply of crime victim compensation brochures and applications, establish agency policies and procedures to identify clients who may be eligible for crime victim compensation benefits; ensure agency staff is familiar with the crime victim compensation program, provide assistance to clients in filling out applications, and assisting with checking on claim status. The purpose of this provision is to ensure victims are aware of victim compensation benefits. ***If a program receives VOCA funding for a service, it cannot bill victim compensation for the same service; this is supplantation.***
- H. Comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the federal OJP Financial Guide, effective edition,** which include maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received.
- I. Maintain client-counselor confidentiality.** Applicants must have written policies to ensure that confidential client information is not released without the consent of the client. This confidentiality provision does not override existing state law governing the disclosure of information under mandatory reporting statutes, (e.g., suspected child abuse or court orders). A copy of the policy must be provided and approved by MOVA as part

of the application process.

- J. Debarment, Suspension, Ineligibility and Voluntary Exclusion.** VOCA funds are not available to federally Debarred, Suspended, Ineligible or Voluntarily Excluded agencies.
- K. Provide services to victims of federal crimes** on the same basis as victims of state crimes. VOCA programs must provide services to victims of federal crimes, to the same extent they would cover a victim of that crime if it had occurred under state jurisdiction. While coverage is not required for all federal crimes, such as nonviolent or white-collar offenses, programs may not exclude someone from services because the crime happened to occur in a federal jurisdiction such as a national park, Indian reservation, or a military base.
- L. Provide contracted services to crime victims at no charge** through the VOCA-funded project. Contracted services refer to those services outlined in the program narrative, the program timetables, and must be provided to crime victims for free.
- M. At least one programmatic and one fiscal representative of each VOCA funded program is required to attend a VOCA Guidelines training provided by MOVA during the first year of award.** Additional training in non-competitive years will be provided for new staff or those who would like further training.
- N. Non-Discrimination.** By state law, any agency entering into contractual agreement with the Commonwealth must comply with all applicable federal and state statutes, rules and regulations prohibiting discrimination in employment and service delivery, including but not limited to:

1. Civil Rights. Title VI of the Civil Rights Act of 1973, as amended; Title IX of the Education Amendments of 1972, as amended; the Age Discrimination Act of 1975, as amended; OBRA of 1975, as amended; Title VII of the Civil Rights Act of 1964, as amended; 29 USC s.791 et seq.; Executive Orders 227 and 237; M.G.L. c.151B; and M.G.L. c.272, s.92A, s.98 et seq., or any amendments to these provisions.

Federal regulations require recipients of financial assistance from Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEO) in accordance with 28 C.F.R. §§ 42.301-.308. A completed Certification Form must be provided to the Office for Civil Rights. Further information about this requirement is available at www.ojp.usdoj.gov/ocr

2. Disabilities. Americans with Disabilities Act, 42 USC 12101 et seq., 28 CFR Part 35; Executive Orders 227 and 246; M.G.L. c.151B; and M.G.L. c.272, s.92A, s.98 et. seq., or any amendments to these provisions.

- O. Certification of Drug-Free Workplace.** Any agency receiving federal funds must provide written certification that it has complied with the provisions of the Drug-Free Workplace Act of 1988, 28 CFR part 67, Subpart F.
- P. Abide by any additional eligibility or service criteria or any amendments to the Guidelines** as established and requested by the Board and MOVA, including submitting statistical and programmatic information on the use and impact of VOCA funds.

IV. VOCA ELIGIBLE SERVICES

VOCA funds may only be used to provide free direct services to victims of crime.

VOCA funding is available for a wide variety of direct services for crime victims. Regardless of the type of service provided VOCA funded programs must provide free services to victims of federal and state crimes. VOCA funded programs must also assist victims in seeking Victim Compensation.

Requests for funding to pay salary and fringe costs for direct services will be given priority over request for funding which include other related administrative expenses. The Board will not consider requests for more than 25% related indirect costs, nor will it consider requests for any unrelated administrative or overhead expenses.

A. Direct/Indirect VOCA Costs

Direct Costs (must be at least 75% of grant) ----- Indirect Costs (no more than 25% of grant)

Personnel (working directly with clients)	Supervision
Consultants (who perform direct service)	Consultants (who provide supervision)
Rent	Training
Travel (to perform direct service)	Travel (to attend training or meetings)
	Outreach Materials/Printing Costs
	Office Supplies
	Utilities
	Equipment and furniture (that is necessary for direct service)
	Food (for counseling purposes only)

B. Allowable Direct Services and other Costs. VOCA funds and matching contributions must be used to provide allowable services to crime victims. The program budget must be reflective of the program narrative and timetables. The following is a non-exhaustive list of services, activities and costs that are considered eligible for support with VOCA victim assistance grant funds:

- 1) **Services that respond to the immediate emotional and physical needs (excluding medical care) of crime victims** such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency food, clothing and transportation; emergency legal assistance, such as applying for protective orders and shelter (including emergency, short-term nursing home shelter for elder abuse victims for whom no other safe, short-term residence is available); and other emergency services which offer an immediate measure of safety to crime victims.
- 2) **Costs that are directly related to providing direct services**, such as staff salaries and fringe benefits, including malpractice insurance, the cost of advertising to recruit VOCA-funded personnel, and the cost of training paid and volunteer staff.

Programs are prohibited from paying temporary personnel in vacant positions unless prior approval has been given by MOVA staff. Any decision to consider use of replacement staff and requests for a budget amendment to hire temporary staff must be reported in writing to the VOCA Program Manager. If the temporary replacement is currently an employee at the agency, to guard against supplantation, the person must have available hours to take on these additional duties, which are not covered by other grant funding.

- 3) **Services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization** and in stabilizing their lives after a victimization, such as counseling, group treatment and therapy. Therapy refers to intensive professional psychological/psychiatric treatment for individuals, couples, and family members (vs. counseling to provide emotional support during a crisis arising from the occurrence of the crime). This includes the evaluation of mental health needs and the actual delivery of psychotherapy.
- 4) **Services that are directed to the needs of the victim within the criminal justice system** but not primarily to the needs of the criminal justice system. Services may include criminal justice advocacy, accompaniment to law enforcement offices, transportation to court, child care or respite care to enable a victim to attend court, trial and parole notification and case disposition information, restitution advocacy, and assistance with victim impact statements.
- 5) **Costs that are necessary and essential to providing direct services**, such as pro-rated costs of rent, telephone service, transportation costs for victims and local travel expenses for direct service providers.

- 6) **Services which assist crime victims in managing practical problems created by the victimization**, such as serving as a liaison with the victim vis-a-vis other service providers, creditors or employers; assisting the victim in recovering property that is retained as evidence; assisting in filing for compensation benefits; helping to apply for public financial assistance; helping the victim secure appropriate living necessities; and managing the overall service and informational needs of the crime victim until the victim can resume these responsibilities. It is not sufficient for a program to only provide information and referral services.
- 7) **Professional fees are allowable only under special circumstances.** The payment of attorney fees is justified only in emergency situations and cannot be used to pay for legal representation of victims regarding divorces, child custody disputes, visitation rights, etc. **Payments for physician fees are prohibited.**

C. Other Related Allowable Costs. Expenses under this section are not direct crime victim services, but they may in some circumstances be directly tied to providing quality direct services.

- **VOCA cannot defray administrative costs within an organization.**
- **The primary purpose of VOCA is to supplement those victim service organizations that are able and willing to absorb the costs of providing VOCA-funded additional direct services.**
- **When other sources of support are not available, subgrantees may request that a small portion, up to 25% of their total VOCA budget, be applied to one or more of the following expenses.**

- 1) **Skills Training for Staff.** VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers (paid and volunteer) so that they are better able to offer quality services to crime victims.

While VOCA funds can be used for training direct service providers within the organization who are not supported with VOCA funds, priority should be given to the individuals supported with VOCA funds. VOCA funds cannot be used for management and administrative training for executive directors, board members, and other individuals who do not provide direct services.

- 2) **Training Materials.** VOCA funds can be used to purchase materials such as books, training manuals, and videos for direct service providers within the VOCA funded agency, and can support the costs of a trainer for in-service staff development. Although a grantee may not use VOCA funds for training individuals in other organizations, staff from other organizations can attend in-service training activities that are held for the grantee's staff.
- 3) **Training Related Travel.** VOCA funds can support costs associated with attendance at training activities held on a statewide basis or within a similar geographic area, such as travel, meals, lodging, and registration fees. When needed training is unavailable within the immediate geographical area, subgrantees can use VOCA funds to support training outside the geographical area.

VOCA funds cannot be used for travel-related expenses of management and administrative training for executive directors, board members, and other individuals who do not provide direct services.

- 4) **Equipment that is necessary and essential** to providing or enhancing direct services to crime victims. Although allowable, the Board discourages use of VOCA funds for equipment purchases. Historically, the Board has not approved federal funding or matching contributions for equipment valued at \$5,000 or more.

Requests for equipment must specify what equipment is needed, why it is needed, and its expected period of usefulness. VOCA funds cannot support the entire cost of equipment that is not used exclusively for victim-related activities but can support a prorated share. Additionally, subgrantees cannot use VOCA funds to purchase equipment for another organization or individual to perform victim-related services.

- 5) **Advanced Technologies.** In making such expenditures, VOCA recipients must explain in the budget narrative how the advanced technologies, (computer equipment, cell phone, etc.) will enhance services to crime victims, and how it will be integrated into and/or enhance the recipient's current system. Ongoing costs such as those associated with an Internet Service Provider or maintenance contracts are allowable expenses as long as the costs are pro-rated amongst all programs benefiting from the service.
- 6) **Food and /or Beverages are allowable provided they are for the purpose of enhancing direct services to victims.** The cost of the food and/or beverages must be reasonable and cannot be for the purposes of training sessions, or staff meetings.
- 7) **Contracts for Professional Services** are not encouraged; however, it may be necessary to use a small portion of the VOCA grant to contract for specialized services. Examples include hiring consultants to assist in filing restraining orders or establishing emergency custody/visitation rights (the provider must have a demonstrated history of advocacy on behalf of domestic violence victims); emergency psychological or psychiatric services; or sign and/or interpretation for the deaf or for crime victims whose primary language is not English. Federal Guidelines do not allow more than \$450/day for consultant services, without prior approval. A copy of any contracts that are utilized to retain the services of consultants identified in the budget proposal must be provided to MOVA. If the consultant is not hired at the time of award, a contract, or documentation of hire and fees, must be provided to MOVA before services are rendered.
- 8) **Operating costs** are allowable to the extent that the cost is necessary to provide VOCA direct services such as supplies, printing, photocopying, postage, brochures which describe available services, books and other victim-related materials. VOCA funds may support administrative time to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics; administrative time to maintain crime victims' records; and the prorated share of audit costs, in accordance with OMB Circular A-133.

- 9) **Supervision of direct service providers** (paid and volunteer) is an allowable expense only to the extent that such supervision is necessary and essential to providing direct services to crime victims. Supervision is considered an administrative cost. Total administrative costs cannot exceed 25%.
 - 10) **Outreach that is designed to identify crime victims and provide or refer them to needed services.** Presentations for the purpose of creating awareness of the services that are available to crime victims are allowable. *Presentations that are designed as prevention and education are not allowable under VOCA.* Allowable presentations may be made in schools, community centers, or other public forums. Costs related to such programs include presentation materials, brochures, and newspaper notices and can be supported by VOCA funds. *Programs must use the funding obligation statement when publicizing programs funded or partially funded by VOCA.*
- D. Unallowable Costs.** The following list of services, activities and costs **cannot** be supported with VOCA victim assistance grant funds, or matching contributions (either cash or in-kind):
- 1) **Crime prevention activities** and other activities intended to educate the community and raise the public's consciousness of crime victim issues and how to prevent crime.
 - 2) **Lobbying, political activity, and administrative advocacy** for victim legislation or administrative reform, whether conducted directly or indirectly, political activity for candidates, political parties or ballot questions.
 - 3) **Perpetrator rehabilitation and counseling.** Subgrantees shall not knowingly use VOCA funds to provide perpetrator rehabilitation and/or counseling nor can VOCA funds be used to offer services to incarcerated individuals, even when the service pertains to the victimization of that individual.
 - 4) **Creation of needs assessments, surveys, evaluations, studies, and research efforts** conducted by individuals, organizations, task forces or special commissions which study or research a particular crime victim issue. However, it is expected that subgrantees routinely review services offered to ensure that crime victims are appropriately served. VOCA funded staff may distribute client satisfaction surveys to program participants; however, the development and/or analysis of such surveys may not be performed on VOCA-funded time.
 - 5) **Activities that seek to improve the criminal justice system's effectiveness** and efficiency, witness notification and management activities, and activities related to prosecuting an offender, such as supporting expert testimony at a trial.
 - 6) **Fundraising activities**
 - 7) **Indirect organizational costs** such as liability insurance on buildings and vehicles;

capital improvements and/or repairs made to leased buildings; security guards and body guards; property losses and expenses; real estate purchases; mortgage payments; construction costs.

- 8) **Out-of-pocket crime victim expenses** incurred as a result of a crime or to supplement crime victim compensation awards to victims of crime for such costs as funeral expenses, lost wages, medical bills, etc.
- 9) **Most medical costs.** VOCA funds cannot support medical costs resulting from victimization. VOCA funds cannot pay for nursing home care, home health-care costs, inpatient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment.
- 10) **Relocation expenses**, such as travel expenses, security deposits on housing, ongoing rent, mortgage payments; **and victim/witness expenses** such as travel to testify in court, subsequent lodging and meal expenses, victim protection costs, and other costs which are considered part of the criminal justice agency's budget.
- 11) **Administrative staff expenses.** Salaries, fees and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators and other individuals whose functions are removed from direct contact with crime victims. The only exception is in the case of expenses incurred while providing direct services to crime victims or supervision to staff. In this case, VOCA funds may support a small portion of this person's time.
- 12) **Services and/or activities that are, by law, to be provided by a State or local public agency or organization.**
- 13) **Professional dues and memberships in an individual's name.** However, VOCA funds may be used to purchase an organizational membership that will offer timely, relevant information on victim services and issues.
- 14) **Development of protocols, interagency agreements, coordination teams, etc.** The development of these types of working agreements and relationships are considered an essential *prerequisite* for an organization to receive VOCA funding. As such, VOCA funds should not be used to support these activities. However, VOCA-funded staff can represent the needs of individual crime victims in multi-disciplinary team activities, which facilitate coordinated, comprehensive services to crime victims.
- 15) **The costs of sending individual crime victims to conferences.** The intent of Congress was to maximize the impact of the limited VOCA funds by expanding the number of direct service providers available to offer services to as many crime victims as possible, not to support conference attendance by individual crime victims.
- 16) **Development of training manuals and/or extensive training materials.** Training materials are currently available from many sources. Use of VOCA funds for developing

materials is not consistent with the intent of VOCA to provide direct services to crime victims.

- 17) **Offering/organizing local or regional conferences**, unless conducted primarily to develop the skills of the VOCA funded agency's direct service providers (paid and unpaid/volunteer) so that they are better able to offer high quality services to crime victims.

V. Financial Policies and Procedures

All VOCA recipients are required to follow the US DOJ, OJP Financial Guide, effective edition.
This document is available at www.ojp.usdoj.gov/finguide

A. Budgeting and Reimbursement for Expenditures

1. **Program budgets must include only those expenses to be paid by VOCA funding and VOCA matching contributions.** Since these funds may only be used for a narrow range of allowable expenses, the approved VOCA budget rarely covers the entire cost of providing VOCA services.

Please note, VOCA funded services must be provided at no cost to victims. It is unallowable to generate program income on VOCA funded personnel time.

Budgets are submitted to MOVA during the application process and reviewed by MOVA staff and the Board. Budgets should not be considered finalized and VOCA Subgrantees should not commit funds until a contract with MOVA is executed.

2. **VOCA funds may never be shifted in the budget without the prior approval from the VOCA Program Manager.** All budget changes must be put in the form of a request letter to the VOCA Program Manager, including a narrative stating the reason for the request and a copy of the amended budget. Upon approval from MOVA, programs can shift up to 5% per year of the funding of the total program budget, provided that not less than 75% of the program budget remains allocated to direct costs and the 25% match continues to be met. The 5% does include shifts between all expense items.
3. **Reimbursements will be made only for expenses included in the approved program budget and application, and only after the approved expenses are incurred and expended.** This is a cost reimbursement grant. Simply dividing your grant into a monthly or quarterly billing amount (1/12th or 1/4th billing) is unallowable. Requests for reimbursement must be submitted on forms provided by MOVA on a monthly or quarterly basis. Programs that fail to submit invoices over four consecutive months will be required to submit complete support documentation with all subsequent invoices.
4. **Reimbursement invoices are processed on the 15th day of each month** or on the next business day if the 15th falls on a holiday or weekend. Consistent with the Commonwealth's policy, payments will be issued no later than 30 days after the 15th for all error free invoices received by MOVA on or before the 15th. Actual payment times may vary. Invoices received after the 15th are processed during the next month's cycle. Agencies may check on their reimbursements for the current and past fiscal year by accessing Mass Finance's Vendorweb website at <https://massfinance.state.ma.us/VendorWeb/vendor1.asp>.

For state agencies, expenditure reports must be received by MOVA no later than the last day of the month after the end of a quarter.

5. **VOCA funds may not be subcontracted to other organizations to provide services.**
6. **VOCA funds may only be used for approved allowable services as specified in the program narrative and allowable related direct services delivered during the contract period.** The deadline to submit final invoices to MOVA is August 1st at 5:00pm. Unrequested funds will be reverted to MOVA. The June bill must be the final bill for the fiscal year. Supplemental billing is not allowed and will not be considered.
7. **If a program budgets for a specific salary or salary increase, it must pay the VOCA-contracted employee that amount.** Agencies can pay VOCA funded employees more than the budget amount, but they cannot pay a VOCA funded employee less than the budgeted amount. Agencies can use VOCA funds to pay employee salary increases only after approval from MOVA. The requested salary should reflect the actual hours of service supported with those VOCA funds.
8. **Equipment.** Equipment purchased with VOCA funds must be used only for the purposes of the VOCA project. Agencies are expected to maintain internal controls on equipment based on acceptable accounting principals identified in the US DOJ, OJP Financial Guide, effective edition "Equipment Acquired with Juvenile Justice Act (OJJDP) Formula and Victims of Crime Act (OVC) Assistance (Formula) Funds." Records must be maintained which include: description of property; serial number; source of the property; acquisition date; cost; percentage of VOCA participation in the cost; location; use and condition; and disposition date. Adequate maintenance procedures must exist to keep the property in good condition.

All purchases of furniture, equipment, computer software, electrical and computer components with a value exceeding \$1,000 must be reported to MOVA in the form of a copy of the purchase invoice and identified by an equipment ID number.
9. **Mileage.** Mileage reimbursement will be made at the agency rate, not to exceed the current effective federal reimbursement rate. A travel policy, indicating this rate must be provided to MOVA. If a current policy exists, it must be adhered to for this grant. If no policy exists, an agency must follow the federal rate. As of November 2005 this rate is 48.5 cents/mile.

B. Time Cards

It is essential that each person funded through VOCA or VOCA matching contributions (including volunteers/interns) accurately account for her/his time spent working on the VOCA program. This is done by the following procedures:

- Daily time cards are required. Time cards must clearly indicate the amount of time spent on VOCA program activities for full, part-time, and matching employees, and for volunteers used as match.
- Timesheets must state "VOCA" on them and be signed by all VOCA and VOCA matching staff (including volunteers/interns). Supervisors must also sign them.

- Any other method used to divide staff time between or among funding sources must have advance approval from MOVA and comply with federal audit standards and generally accepted accounting procedures.

C. Matching Requirements

Agencies receiving VOCA funds must provide **non-federal** support for the VOCA victim service program in the form of cash and/or in-kind matching contributions. If agencies choose to match with other state funds, documentation must be provided that the matching funds are not federal funds. Typically, the state agency provides grantees with such documentation.

Examples of Sources of Match

Everything that is VOCA allowable may be used as match

- Interns/Volunteers (\$12/per hour)
- Pro-rated Office Space
- In-kind Donations
- Cash Fundraising
- Percentage of Employee Fringe Cost
- Travel Cost Reimbursements
- Rent
- Pro-rated Amount of Utilities
- Supplies

1. All funds designated as match are restricted to the same uses as VOCA funds.
2. Match is to be provided on a program-by-program basis and must be obligated and expended during the grant period. No exceptions will be granted to this policy.
3. Agencies must maintain an audit trail for all matching contributions, whether cash or in-kind. All subgrantees must maintain records which clearly show the source and the amount of matching contributions (cash and in-kind) committed to the VOCA funded program.
4. Material contributions (furniture, equipment, supplies, etc.) used as match must be counted as match during the contract period in which they are received by the agency on a cash accounting basis. Material contributions may not be used as match on a depreciation or accrual basis. Capital assets with a matching contribution value of \$5,000 or more may not be used.
5. All in-kind services involving personnel used as match must be accounted for with time cards that reference VOCA time and indicate the amount of hours spent on VOCA allowable activities. It must be signed by the volunteer, intern, or staff providing the

service and their supervisor. Volunteers and interns can be used as an in-kind match at a rate of **\$12** an hour. No “fringe” should be allocated for volunteers used as match. Additionally, the value of donated services by professionals can be used to comply with the match requirement provided the service is VOCA allowable and documentation is provided by the donator that offers a fair and reasonable value to the service. This documentation must be submitted to MOVA for approval. Records of service provision must be kept.

6. Subgrantees must match VOCA contributions on an 80/20 *cash or in-kind* basis. (For every \$80 dollars of VOCA funding, the program must contribute \$20 non-federal funding.) To calculate match, take the anticipated award amount and divide by 80%. This equals total project costs. Multiply total project costs by 20%. This equals the required match, which will be 25% of the award.

D. Program Income

1. As of July 1, 2001, (FY2002) generating program income on VOCA funded personnel time became unallowable. All VOCA funded services are to be provided free of charge.

E. Accounting and Independent Audit Procedures

1. All VOCA recipients must maintain adequate accounting and control procedures to ensure that VOCA funds are not used to reimburse expenses funded by or charged to other funding sources including other state sources. Any duplication of funding sources to support a service already funded by VOCA will be considered supplantation and is not allowed. All allocation methods used to determine VOCA reimbursement or matching contribution expenditures must be in compliance with accounting procedures specified in OMB Circular A-122 (for non-profit agencies) or A-87 (for local government agencies). Agencies that use allocation methods to submit their reimbursement request and are unsure if their procedures meet federal standards must contact MOVA.
2. All VOCA recipients must keep appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes financial documentation for disbursements, timesheets specifying time devoted to VOCA allowable victim services, client files; records documenting the portion of the project funded by other sources, and other records which would facilitate an effective audit. All accounting records must be made available upon request to MOVA staff, federal Office for Justice Program staff, or their agents.
3. All VOCA recipients must comply with Generally Accepted Accounting Procedures and applicable state and federal laws, rules and regulations. If you or your auditor have questions regarding applicable accounting procedures, contact MOVA.
4. Any VOCA recipient, including non-profit non-teaching hospitals, that expends a *total* of \$500,000 or more from *all* federal funding sources including pass through sub awards in

the organization fiscal year, must complete an independent audit in accordance with OMB Circular A-133 or A-128, as applicable. These audits are due to MOVA no later than 9 months after the end of the recipient's fiscal year. (See Appendix E for *OMB Circular A-133*.) VOCA recipients that expend less than \$500,000 a year in Federal awards are exempt from Federal Audit requirements during that year.

5. Audit costs for audits not required or performed in accordance with OMB Circular A-133 are unallowable. If the VOCA recipient did not expend \$500,000 (\$300,000 for fiscal year ending 2003 and prior) or more in Federal Funds in its fiscal year, but contracted with a certified public accountant to perform an audit, these costs may not be charged to the grant.

F. Funding Source Attribution Statements

All materials publicizing or resulting from grant activities produced by a VOCA funded program (e.g. publications, flyers, pamphlets, advertisements, press releases and notifications) must contain an acknowledgment of grant agency assistance and state that the VOCA-funded services are provided for free. An acknowledgment of support shall be made through use of the following or comparable footnote:

“This project was supported by the Massachusetts Office for Victim Assistance through a Victims of Crime Act of 1984 (VOCA) grant from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice.”

G. Funding Obligation

The Board's obligation to pay under this grant program is contingent upon receipt of VOCA funds from the U.S. Department of Justice. The Board may terminate any agreement with a VOCA funded program if funds become unavailable at any time, as stated in the contract, or for non-compliance with any others terms stated in the contract or contract appendices.

VI. Program Policy and Reporting Requirements

A. Delays

The Board reserves the right to revise scheduled dates for VOCA applications and reviews. Any changes in the scheduled dates will be posted on the state procurement website, www.comm-pass.com.

B. Certifications, Terms and Conditions

The application and Service Contract spell out certifications, terms and conditions that must be fully understood and executed in order to enter into a contract with the state and receive federal funds. The Service Contract is specifically referring to the personnel outlined on the budget, the services put forth on the program narrative and the objectives outlined on the program timetables. Any program changes must be put forth in writing to MOVA to be in compliance with the applicant's service contract. Applications will not be approved without a full set of signed certifications (included in the application for funding). All VOCA-funded SAFEPLAN services are additionally subject to the requirements of the SAFEPLAN Program Manual.

C. Termination and Default

MOVA reserves the right to terminate a contract due to non-compliance. Termination and default procedures are expressly stated in the Service Contract.

D. Waivers

The Board, through the Massachusetts Office for Victim Assistance (MOVA), may waive any provision within its authority contained in the Guidelines. Waivers cannot be given for provisions that are beyond the scope of the Board's authority. Any program that desires a waiver of any of the provisions of these Guidelines must initiate the process in writing. A written request for a waiver does not excuse a program from following the provisions of these Guidelines. The Board, through MOVA, may choose to grant a request, grant a request in part, or not grant a request for a waiver.

E. Programmatic Compliance

VOCA funded programs must comply with the following program requirements:

- 1. Maintain statutorily required civil rights statistics on victims** served by race or national origin, sex, age, and disability, within the grant period; and permit reasonable access to accounting records, documents, papers, and other records to determine whether there has been compliance with applicable civil rights laws.

- 2. Satisfactory and timely completion of quarterly statistical and programmatic reports** as requested by the Board. Statistics are to be reported on services provided only by VOCA paid staff, and any paid or unpaid staff or volunteers used as match. Services provided by other staff should not be included in the statistical report. MOVA will provide statistical documents to agencies at the time of the award. A new report is issued each fiscal year, and only the most current document will be accepted.

Subgrantees are responsible for submitting a current, completed statistical report for the project period after the close of each quarter. Programs must complete the cover page of each report with the correct reporting period, report due date, and contact information. Reports are due in the MOVA office one month after the close of each quarter. The reporting period and due dates are as follows:

Reporting period 1: July 1 through September 30	Due date: October 31
Reporting period 2: October 1 through December 31	Due date: January 31
Reporting period 3: January 1 through March 31	Due date: April 30
Reporting period 4: April 1 through June 30	Due date: July 31

Subgrantees must follow reporting timeframes established by MOVA if different from that listed above. Subgrantees should seek guidance from MOVA staff if they do not understand the forms or the instructions, or are unsure as to how a case should be reported.

- 3. Report via the Programmatic Change Form any change in VOCA funded personnel to MOVA within two weeks** of the time the agency or program director has received or issued a notice necessitating a change in VOCA funded staff. MOVA must have the resumes of all VOCA funded personnel on file.
- 4. Any and all budget changes must be requested in writing to MOVA and approved prior to the change. This includes hiring temporary personnel for VOCA funded vacancies.**
- 5. VOCA funded personnel who take extended leave or terminate a position cannot be billed to VOCA beyond the accrued vacation and sick time, not to exceed 6 weeks.** Agency policy that provides extended paid medical leave or paid family medical leave beyond 6 weeks cannot receive reimbursement from VOCA. Sick or Vacation time charged to VOCA must be well documented on time sheets and outlined in the agency personnel manual.
- 6. Report in writing any change in the program structure** which affects the quantity or quality of service delivery prior to implementation of the programmatic change.
- 7. Maintain client-counselor confidentiality.** VOCA subgrantees cannot use or reveal any client information without the consent of the client. MOVA reserves the right to review any documentation to confirm that counseling sessions did occur, for the purposes of program monitoring. This confidentiality provision does not override or repeal existing state law governing the disclosure of information under mandatory reporting statutes, (i.e., suspected child abuse or during criminal justice proceedings).

- 8. Attend a VOCA Guidelines Training.** Programmatic and fiscal representatives of each VOCA funded program must attend a VOCA Guidelines training provided by MOVA during the first year of the grant award. Additional training will be available in non-competitive bid years for new staff and those who wish to have additional training.
- 9. Cooperate with MOVA in monitoring the project.** Monitoring activities include, but are not limited to, site visits by MOVA staff and/or staff from the federal Office for Justice Programs, progress reports on implementation of goals and objectives, and submission of financial records and statistical performance reports, as required by MOVA. Subgrantees are required to address all site visit report findings by the deadline as set forth by MOVA.
- 10. Allow public access to all documents, papers, letters, or other materials** made or received by the provider in conjunction with the grant program. It is expressly understood that substantial evidence of the provider's refusal to comply with this provision shall constitute a breach of contract. This provision does not apply to confidential client records.
- 11. Retain all financial records,** supporting documents, statistical reports and other documents pertaining to the contract for a period of six years after the termination of the contract, or if an audit has not been resolved at the end of six years, the records shall be retained until the resolution of the audit findings.
- 12. Avoid Conflicts of Interest.** Agencies receiving federal funds must comply with federal and state rules which prohibit the use of public funds for personal gain. Subgrantees must avoid any actions which might result in, or create the appearance of, using public funds or publicly funded positions for private gain, for giving preferential treatment to any person, or adversely affecting the confidence of the public in the integrity of the government or the VOCA funded program. Subgrantees may not refer clients seeking or receiving VOCA funded services to the private practice of any employee, official, or person affiliated with the grantee.